

REMARKS

By the non-final 29 March 2006 *Office Action*, Claims 33, 35-50, 52-55, and 57-73 are pending and rejected in this Application. In response, Applicant submits this *Response* to amend certain claims and cancel Claim 73. Applicant thanks the Examiner for the careful consideration and examination given to the Application.

Applicant files this response solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, claim cancellation, or remark is not to be construed as abandonment or disclaimer of any subject matter.

In light of this *Response*, Applicant believes that the Application is now in immediate condition for full allowance. It is also believed that no new matter is introduced by this submission as amendments are supported by at least Paragraphs 8, 12, 33, 45, 50-51, and 57-58, and Figures 1-8 of Applicant's *Specification* (as published in US 2001/0002210). Upon entry of this *Response*, Claims 33, 35-50, 52-55, and 57-72 are pending in the Application. It is respectfully asserted that the Application is allowable for the following reasons.

I. All Pending Claims Are Allowable In Accordance With 35 U.S.C. § 103(a)

In the *Office Action*, the Examiner rejects the pending claims variously under 35 U.S.C. § 103(a). More specifically, Claims 33, 35-42, 44-50, 53-55, and 58-73 are rejected as unpatentable in view of a combination of *Karimullah* (USPN 5,343,493) and *Lebowitz* (USPN 4,454,024); and Claims 43, 52, and 57 are rejected as unpatentable in view of *Karimullah*, *Lebowitz*, and *Burnett* (USPN 6,067,030). Applicant respectfully submits that Claims 33, 35-50, 53-55, and 58-73 are patentable over the cited combination for several reasons. In addition, Applicant respectfully asserts that a *prima facie* case of obviousness has not been set forth as required by MPEP § 2143.

Applicant respectfully asserts that the pending claims are allowable over the cited combinations for at least several reasons. As MPEP § 2143 provides, a *prima facie* case of obviousness requires three findings. First, there must be some suggestion or motivation, either in

the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the cited references must teach or suggest all the claim limitations.

Here, the currently pending claims are patentable over the cited combinations for at least several reasons. For example, the references of record fail to teach or fairly suggest each and every feature that Applicant now claims including the structural and operational details detailed in the above amended claims. In addition, the references of record fail to teach or fairly suggest the claimed relationships and cooperative arrangements now recited in Applicant's claims.

Moreover, the cited combination is improper and can not sustain a rejection to Claims 33, 35-50, 53-55, and 58-73. *Karimullah* discloses transmitting information other than a telephone number and that a processing center determines a service provider destination number based on a codeword. Similarly, *Sheffer* discloses transmitting information other than a telephone number from a cellular alarm unit. Such teachings teach away from Applicant's claimed invention because they do not transmit a telephone number providing quick access to a central station from a low-power transmitter. In addition, Applicant's currently claimed invention is advantageous because it advantageously eliminates *Karimullah's* unnecessary process steps and *Sheffer's* required cellular alarm unit.

Turning now to Claims 43, 52, and 57, Applicant respectfully submits that these claims are also allowable for various reasons. One salient reason is that *Burnett* is not prior art to Applicant's currently claimed invention because it is not reasonably pertinent to the problems addressed by Applicant's claimed invention. Indeed, *Burnett* is directed toward a method and apparatus for providing network infrastructure information for a network control center, not a multi-function general purpose transceiver. Applicant respectfully asserts that one of ordinary skill attempting to solve the problems solved by Applicant's claimed invention would not turn to *Burnett* because *Burnett* is non-analogous art since it relates to an infrastructure management computer program.

Accordingly, for at least the above reasons, Applicant respectfully asserts that the pending claims are patentable over the cited references. Applicant specifically asserts that the cited combinations fail to support a *prima facie* case of obviousness and also fail to satisfy the

requirements of § 103(a), especially in light of Applicant's clarifying amendments. Accordingly, Applicant believes that all pending claims are allowable. Withdrawal of the § 103 rejection is, thus, respectfully requested.

II. Notice of Entity Status Change

In accordance with MPEP § 509.03, the current owner of this application notifies the United States Patent and Trademark Office that this application no longer qualifies for small entity status. Accordingly, pursuant to 37 C.F.R. § 1.27(g)(2), it is respectfully requested that small entity status be withdrawn for this application.

In further accordance with MPEP § 509.03, Applicant respectfully asserts that it can continue paying small entity fees in this application as stated in 37 C.F.R. § 1.27(g)(1). Indeed, this USPTO regulation states: “Once status as a small entity has been established in an application or patent, *fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.*” 37 C.F.R. § 1.27(g)(1) (emphasis added); *see also Daimlerchrysler AG v. Feuling Advanced Techs., Inc.*, 276 F. Supp. 2d 1054, 1060-61 (S.D. Cal. 2003). In adherence to and depending upon this USPTO regulation, Applicant will continue to pay small entity fee even though entity status has changed until an issue fee becomes due in this application. *Id; see also* MPEP § 509.03 (Section VII. Removal Of Status).

III. Fees & Petition For Revival

Applicant believes no claims fees are due because the total number of Claims is equal to the number of Claims previously paid for in this Application. This *Response* is being submitted with the enclosed revival petition. The undersigned submits the required revival petition fee via EFS-Web. In light of these items, it is believed that the present submission satisfies all requirements of 37 CFR § 1.137(b). Accordingly, Applicant respectfully requests the USPTO to revive the present Application to enable continuance of prosecution.

No other fees are believed due at this time. Authorization to charge Deposit Account No. 20-1507, however, is given should additional fees be due for full acceptance of this submission, to enable revival of this Application, and to continue prosecution of this Application.

IV. Conclusion

This *Response* is believed to be a complete response to the 29 November 2006 Abandonment Notice and the 29 March 2006 *Office Action*. Applicant respectfully asserts that the Application is condition for revival and that the currently pending claims are in condition for allowance. Applicant, therefore, respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

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